

# Holland & Knight

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October 24, 2012

## VIA PDF AND HAND DELIVERY

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY                     

Mr. Eric Silva, AICP, Assistant Director  
Department of Regulatory and Economic Resources  
111 N.W. First Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

**Re: Miami Gardens Commons, LLC / Z2011-077 (the "Application") / Withdrawal  
of Sign Variances and Proposed Revised Condition**

Dear Eric:

This letter is to confirm that Miami Gardens Commons, LLC (the "Applicant") is withdrawing request number five (5) included in the Application, which requested a sign variance. The Applicant will comply with current code requirements in providing signage on the property.

As you are aware, this matter is before the Board of County Commissioners on appeal from Community Zoning Appeals Board 5 ("CZAB"). Although professional staff recommended approval and there was no objection to the request, and although the proposed use is already permitted on the property under prior approvals, it appears that the CZAB denied the Application based upon concerns about traffic conditions on N.W. 183<sup>rd</sup> Street (Miami Gardens Drive). As we have discussed, the requested variances are unrelated to any traffic generation from the subject property, and we maintain that there was no substantial competent evidence before the CZAB to support the denial below.

Nonetheless, in our research we have determined that the Applicant can open up a driveway entrance into the existing reciprocal easement at the eastern property line. This will allow direct vehicular access onto N.W. 57<sup>th</sup> Avenue across that easement, and thus mitigate the concerns about traffic that were expressed below. We have also determined that the Applicant can increase the height of the proposed landscape buffer along the northern property line, so as to provide for a more effective buffer against headlights possibly shining into the adjoining parcels. This would eliminate the need for the masonry wall.

Based on all our discussions and correspondence, we have drafted a revised proposed Condition #2 to reflect the withdrawal of the sign variances, the additional driveway access, and the increased landscaping height. That condition would read:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Miami Gardens Commons" as prepared by Gutierrez & Lorenzo Architects, dated stamped received, 03/21/2012

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consisting of 6 sheets, except as herein modified to show ~~the required 5' high masonry wall and removal of the additional tenant sign to show one sign per tenant~~; i) a vehicular driveway connection to the existing access route across the eastern property line; and ii) an increase in the height of the depicted landscape hedge to a minimum of three (3) feet in height at time of planting in lieu of the masonry wall along the northern property line, together with additional plant material if the Director of the Department of Regulatory and Economic Resources determines that such material is necessary to provide sufficient opacity to buffer the adjoining property from illumination from headlights.

I would greatly appreciate it if you would supplement the hearing file with this letter, and bring it to the attention of the Commission at tomorrow's appeal hearing. It is our belief that the withdrawal of the sign variances, the additional landscaping, and the provision of additional access will ameliorate the last concerns of the Department about the Application **and** address even the concerns raised by the CZAB even though those concerns were not related to the Application.

Please feel free to call me at 305-789-7782 if you have any questions regarding the foregoing, and thank you again for all the time you have spent working with us on this matter.

Very truly yours,

HOLLAND & KNIGHT, LLP



Joseph G. Goldstein

Cc: John D. McInnis, Esq.  
Mr. Andy Erpelding  
Peter L. Jenkins, Esq.  
Ms. Cathy Sweetapple, AICP  
John Herrin, Esq.  
Alan S. Krischer, Esq.



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July 11, 2012

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**Via Federal Express**

Eric Silva, Chief of Community Planning  
Miami-Dade County, Florida  
Stephen P. Clark Center  
111 N.W. 1st Street, 12th Floor  
Miami, Florida 33128

**RECEIVED**  
JUL 12 2012

MIAMI-DADE COUNTY  
DEPT. OF PLANNING AND ZONING  
COMMUNITY PLANNING SECTION

**Re: Denial by Community Zoning Appeals Board No. 5  
Resolution No. CZAB5512  
Appeal of Miami Gardens Commons, LLC – Application No. Z2011-000077  
Client-Matter No. 824196-1**

Dear Mr. Silva:

This law firm represents Miami Gardens Commons, LLC (the “Applicant”) with regard to the Applicant’s request for re-zoning and non-use variances under Application No. Z2011-000077, for the property located 5901 Miami Gardens Drive, Hialeah, Florida 33015 (the “Re-zoning Request”). Unfortunately, the Re-zoning Request was denied on June 28, 2012 by Community Zoning Appeals Board No. 5. This letter shall serve as the Applicant’s appeal to the Miami-Dade County Board of County Commissioners of that denial. The required appeal form, a check in the amount of the required appeal fee, and a copy of Resolution No. CZAB5512 are enclosed.

The basis for the appeal is that the decision of Community Council No. 5 lacked competent substantial evidence of record, and was contrary to the expert evidence and testimony presented at the public hearing. We look forward to working with you and your staff with regard to this appeal and appreciate and welcome the Department’s continued support of the requested Re-zoning Request.

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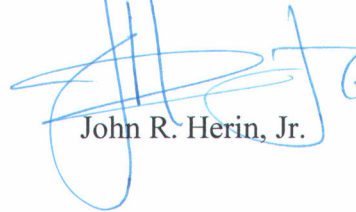
ZONING HEARINGS SECTION  
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BY

Eric Silva, Chief of Community Planning  
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Please do not hesitate to give me a call in the event you have any questions concerning this matter.

Very truly yours,



John R. Herin, Jr.

JRH/rb

Enclosures

cc: Ron Connolly  
Earl Jones  
Manny Gutierrez, Project Architect  
Dr. Fernando Sanchez